

### Remarks

This is in response to the non-final Office Action mailed on June 3, 2005. Claims 36 and 37 are added, support for the claims being found, for example, at page 3, lines 24-26 of the present application. No new matter is added. Claims 1-33 and 35-37 remain pending. Reconsideration and allowance are respectfully requested for the following reasons.

#### I. Claims 1-32

In section 3 of the Action, claims 1-32 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Turk et al., U.S. Patent No. 5,983,207, in view of Yasukawa et al., U.S. Patent No. 5,999,622. This rejection is respectfully traversed.

Claim 1 recites a digital data depository including a digital data storage means.

The Action identifies Figure 1 of Turk as disclosing a digital data storage means.

However, Turk defines the storage site shown in Figure 1 as follows.

As used herein, "storage site" is a secure facility (e.g., a vault) in which the valuable commodity (e.g., gold) is held for safekeeping. . . . The storage sites will typically be a precious metal repository; however, other secure vault facilities could also serve as the storage site.

Turk, col. 4, ll. 6-16. It is apparent from this definition that Turk refers to a storage site as a location where physical commodities such as gold are stored. Turk fails to disclose or suggest that the storage site can be used to store digital data.

Turk therefore fails to disclose or suggest digital data storage means, as recited by claim 1.

Claim 1 further recites means for encoding a data item into a plurality of parts, the parts being separately stored in the storage means, and means for decoding the encoded data item to retrieve the data item from the separately stored parts, whereby the data item is retrievable even if some of the parts are lost or corrupted.

As previously noted, there are advantages associated with a depository programmed to decode a data item even if some of the parts are lost or corrupted. These advantages include increased data reliability and decreased data loss, thereby minimizing problems associated with

the storage of data found in conventional computers and servers. See generally pp. 1-3 of the present application.

Preliminarily, it is noted that the Action does not appear to specifically address the "whereby" limitation of claim 1, i.e., whereby the data item is retrievable even if some of the parts are lost or corrupted. It is respectfully suggested that this clause recites a limitation that structurally limits the decoding means, and therefore this clause should be considered when determining the patentability of claim 1. MPEP § 2111.04.

Neither Turk nor Yasukawa discloses or suggests means for decoding the encoded data item to retrieve the data item from the separately stored parts, whereby the data item is retrievable even if some of the parts are lost or corrupted.

For example, the Action identifies the "private key" of the public key encryption technology disclosed by Turk as being used to decrypt electronic data. However, Turk fails to disclose or suggest that a private key can be used to decrypt electronic if some of the parts of the electronic data are lost or corrupted. It is respectfully suggested that electronic data including parts that are lost or corrupted could not be decrypted using the private key disclosed by Turk.

Yasukawa discloses an encryption scheme wherein individual segments of a file are selectively encrypted. Yasukawa, col. 3, ll. 43-52. However, Yasukawa fails to disclose or suggest that the file can be decrypted if some of the parts of the file are lost or corrupted.

Reconsideration and allowance of claim 1, as well as claims 2-30 that depend therefrom, are therefore respectfully requested for at least these reasons.

Claim 31 is directed at a method of storing digital data items including decoding a data item to retrieve the data item from the separately stored parts, whereby the data item is retrievable even if some of the parts are lost or corrupted. Claim 31, as well as claim 32 that depends therefrom, is therefore allowable for at least similar reasons to those provided above with respect to claim 1. Reconsideration and allowance are respectfully requested.

## **II. Claims 33 and 35**

In section 4 of the Action, claims 33 and 35 stand rejected under section 103(a) as being unpatentable over Carroll, U.S. Patent No. 6,105,131, in view of Yasukawa. This rejection is respectfully traversed.

Claim 33 is directed to a method of protecting digital data including decoding an encoded item to retrieve the item from separately stored parts, whereby the item is retrievable even if some of the parts are lost or corrupted.

Carroll discloses a secure server and method of operation for a distributed information system. Carroll discloses use of encryption techniques, digital signatures, and digital certificates to secure the system from unauthorized access. Carroll, col. 1, l. 58 - col. 2, l. 8; col. 5, ll. 53-55; and col. 6, ll. 6-11.

Carroll fails to disclose or suggest decoding an encoded item to retrieve the item from separately stored parts, whereby the item is retrievable even if some of the parts are lost or corrupted, as recited by claim 33. Reconsideration and allowance of claim 33, as well as claim 35 that depends therefrom, are respectfully requested.

### **III. New Claims 36 and 37**

New claim 36 depends from claim 1, and new claim 37 depends from 31. Claims 36 and 37 further distinguish over the art of record. Consideration and allowance are respectfully requested.

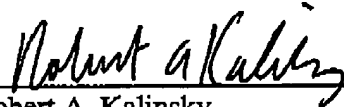
### **IV. Conclusion**

The remarks set forth above provide certain arguments in support of the patentability of the pending claims. There may be other reasons that the pending claims are patentably distinct over the cited references, and the right to raise any such other reasons or arguments in the future is expressly reserved.

Favorable reconsideration in the form of a Notice of Allowance is respectfully requested.  
Please contact the undersigned attorney with any questions regarding this application.

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